

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

BRIEFING ON INDIVIDUAL APPLICATIONS FOR BAIL
TUESDAY, APRIL 14, 2020

1. Tarax-Villeda, Brayan
2. Soe, Aaron
3. Alvarez-Silva, Oscar
4. Gomes, Nuelson
5. Maney Lal, Neved Bai
6. De Carvalho, Janito
7. Vero Campoverde, Sandro
8. Ohenhen, Augustine
9. Dodieu, Woodly
10. Mullings, Terrano

INTRODUCTION

Plaintiffs respectfully submit this briefing on the individual applications for bail that are scheduled for the Court's consideration on April 14, 2020. Information that is common to a number of applications (*e.g.*, briefing on CDC high-risk medical conditions) has previously been filed with this Court, *see* ECF 52, 56, 65, and is incorporated herein by reference. The individualized briefings that are attached hereto as Exhibits 1-6 and 8-10 refer to this information as it may be relevant to particular individuals, and also include the following information for each individual: a) Biographical Information; b) Medical Condition; c) Plans For Transportation/Lodging If Released; d) Criminal History; and e) Immigration History.¹

Plaintiffs have omitted substantive briefing on Vero Campoverde (#7), whom Plaintiffs understand has been released from the facility on bond already.

PENDING MATTERS

Plaintiffs' Motion to Add Individual to Subclass 1, ECF 40 (regarding misclassification of named Plaintiff Maria Alejandra Celimen Savino due to error on government spreadsheet) has been fully briefed and remains pending.

Plaintiffs also respectfully request that the Court request Defendants to provide an updated spreadsheet to both the Court and Plaintiffs, reflecting the current population of BCHOC. Plaintiffs understand that several individuals listed for consideration in the coming days may already have been either released or transferred for removal. It would facilitate the current process, and allow the Court to substitute other class members for consideration if it

¹ As with previous filings, if the Court determines that there are certain records or additional evidence that is needed, or wishes the included material to be presented in a different format, Plaintiffs respectfully request that the Court so inform counsel, so that we may attempt to provide it to the Court expeditiously.

wished, if the parties and the Court all had the same information about the current population of the facility.

COMMON ISSUES IN INDIVIDUALIZED BRIEFINGS

I. The COVID-19 Pandemic Continues to Escalate in Massachusetts.

	<u>COVID-19 Deaths (MA)</u>	<u>COVID-19 Cases (MA)²</u>
<i>March 27, 2020 (Date of Complaint Filing)</i>	35	3240
<i>April 13, 2020</i>	844 (increase of 88 in last 24 hours)	26,867 (increase of 1,392 in last 24 hours)

II. Travel Restrictions Make Deportation of Certain Class Members Unlikely.

As previously briefed, *see* ECF 56, the unprecedented threat of COVID-19 has driven countries around the world to close their borders in an attempt to slow the spread of the virus, calling into question the ability of ICE to effectuate the removal of foreign nationals to countries with broad restrictions in place. As a result, ICE as a practical matter is unable to deport many individuals who are subject to a final order of removal, leaving them at a heightened risk of exposure to COVID-19 due to the prolongation of their detention with no clear end in sight.

To the list of countries that have suspended arrival of incoming passengers and effectively closed their borders,³ Plaintiffs add two additional countries that are relevant to class members on today's list for consideration. India has imposed significant travel restrictions,

² Source: <https://www.mass.gov/info-details/covid-19-cases-quarantine-and-monitoring>.

³ Plaintiffs' previous briefing covered the following countries: Dominican Republic, Democratic Republic of the Congo (DRC), Peru, Iraq, South Africa, Cape Verde, Guatemala, Honduras, Venezuela, Ecuador, Trinidad and Tobago, St. Lucia, Kenya, Colombia, and El Salvador.

essentially closing its borders since March 22, 2020.⁴ Liberia has declared a national health emergency and suspended all commercial flights and the closure of Roberts International Airport (with limited exceptions) since March 23, 2020.⁵

CONCLUSION

Plaintiffs submit that for the foregoing reasons, as well as the specific reasons laid out in the attached individualized briefings, this Court should grant the release of the following detainees: Brayan Tarax-Villeda; Aaron Soe; Oscar Alvarez-Silva; Nuelson Gomes; Neved Bai Maney Lal; Janito De Carvalho; Augustine Ohenhen; Woodly Dodieu; Terrano Mullings; and Maria Alejandra Celimen Savino.

April 13, 2020
Respectfully Submitted,

_____/s/ Oren Sellstrom
Oren Nimni (BBO #691821)
Oren Sellstrom (BBO #569045)
Lauren Sampson (BBO #704319)
Ivan Espinoza-Madrigal†
Lawyers for Civil Rights
61 Battery March Street, 5th Floor
Boston, MA 02110
(617) 988-0606
onimni@lawyersforcivilrights.org

Grace Choi, Law Student Intern*
Kayla Crowell, Law Student Intern*
Laura Kokotailo, Law Student Intern*
Aseem Mehta, Law Student Intern*
Alden Pinkham, Law Student Intern*
Bianca Rey, Law Student Intern*

⁴ See Bureau of Immigration, Ministry of Home Affairs, Government of India: Advisory, *available at* <https://boi.gov.in/content/advisory-travel-and-visa-restrictions-related-covid-19-0>.

⁵ See U.S. Embassy in Liberia COVID-19 Information, *available at* <https://lr.usembassy.gov/covid-19-information/>.

Megan Yan, Law Student Intern^{*}
Reena Parikh[†]
Michael Wishnie (BBO# 568654)
Jerome N. Frank Legal Services Organization
P.O. Box 209090
New Haven, CT 06520
Phone: (203) 432-4800
michael.wishnie@ylsclinics.org

[†] Admitted *pro hac vice*.

^{*} Motion for law student appearances pending.

CERTIFICATE OF SERVICE

I hereby certify that, on April 13, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: April 13, 2020

/s/ Oren Sellstrom
Oren Sellstrom (BBO #569045)